



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Frank Petrelli,  
Fire Captain (PM1051V),  
Paterson

CSC Docket No. 2019-2189

Examination Appeal

**ISSUED:** June 13, 2019 (RE)

Frank Petrelli appeals his score for the oral portion of the promotional examination for Fire Captain (PM1051V), Paterson. It is noted that the appellant passed the subject examination with a final average of 82.080 and ranks 51<sup>st</sup> on the resultant eligible list.

This two-part examination consisted of a written multiple-choice portion and an oral portion. Candidates were required to pass the written portion of the examination, and then were ranked on their performance on both portions of the examination. The test was worth 80 percent of the final score and seniority was worth the remaining 20 percent. Of the test weights, 31.35% of the score was the written multiple-choice portion, 22.49% was the technical score for the evolving exercise, 7.53% was the supervision score for the evolving exercise, 4.28% was the oral communication score for the evolving exercise, 19.23% was the technical score for the arriving exercise, 7.53% was the supervision score for the arriving exercise, and 7.59% was the oral communication score for the arriving exercise.

The oral portion of the Fire Captain examination consisted of two scenarios: a fire scene simulation with questions designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of fire fighters and the ability to assess fire conditions and hazards in an evolving incident on the fireground (evolving); and a fire scene simulation designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of firefighters and the ability to plan strategies and tactics based upon a building's structure and condition (arriving). Knowledge of supervision was measured by

questions in both scenarios, and was scored for each. For the evolving scenario, candidates were provided with a 15-minute preparation period, and candidates had 10 minutes to respond. For the arriving scenario, a five-minute preparation period was given, and candidates had 10 minutes to respond.

The candidates' responses were scored on technical knowledge and oral communication ability. Prior to the administration of the exam, a panel of Subject Matter Experts (SMEs) determined the scoring criteria, using generally approved fire command practices, firefighting practices, and reference materials. Scoring decisions were based on SME-approved possible courses of action (PCAs) including those actions that must be taken to resolve the situation as presented. Only those oral responses that depicted relevant behaviors that were observable and could be quantified were assessed in the scoring process.

Candidates were rated on a five-point scale, with 5 as the optimal response, 4 as a more than acceptable passing response, 3 as a minimally acceptable passing response, 2 as a less than acceptable response, and 1 as a much less than acceptable response. For each of the scenes, and for oral communication, the requirements for each score were defined.

For the evolving scenario, the appellant scored a 3 for the technical component, a 5 for the supervision component, and a 5 for the oral communication component. For the arriving scenario, the appellant scored a 5 for the technical component, a 5 for the supervision component, and a 4 for the oral communication component. The appellant challenges his scores for the technical component of the evolving scenario, and for the oral communication component of the arriving scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The evolving scenario involved involves a fire in a bookstore, and fire has broken through the roof. For the technical component, the assessor assigned a score of 3, using the "flex rule," and noted that the candidate failed to ventilate windows on side A, which was a mandatory response to question 1. It was also noted that he missed the opportunity to report to the Incident Commander (IC) after the evacuation in question 2. On appeal, the appellant states that he had his interior team provide mechanical ventilation, which vents side A, the only available side due to the construction layout. He states that he placed a target exiting device on the side A door, and made a request for increased ventilation and another hoseline to aid in improvement of interior conditions. For question 2, he argues that he requested relief and reassignment, after acknowledging his orders, giving progress reports calling a Mayday, conducting a PAR and sending members to EMS.

Regarding the flex rule, mandatory responses are responses that are requirements for a performance to be acceptable (a score of 3). Sometimes, a candidate states many additional responses but does not give a mandatory response. The flex rule was designed to assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. However, a score higher than a 3 cannot be provided in those cases.

In this scenario, the candidate is not the IC, but is the first officer of the first responding ladder company, and his orders are to conduct an immediate search and ventilate. Question 1 asked candidates to describe the orders in detail which he will give to his crew to carry out this assignment. A review of the file indicates that the appellant stated that his orders were to go to the roof and carry out ventilation and perform a primary search. However, the scenario did not state that instructions included “go to the roof.” That is, the scenario did not limit ventilation to the roof. In fact, the fire has already broken through the roof on side C, and is self-ventilating there. The fire is in the second store in a strip mall of light weight steel truss construction. On side A is a glass door two large windows almost the size of the door, and small windows over the door and a window. SMEs determined that given the conditions it was mandatory for candidates to ventilate the windows on side A.

The appellant split his crew into two, and sent one team to the roof for “horizontal ventilation,” and assigned the other team to a primary search. He ordered the outside division to place ground ladders on all sides of the building and raised the aerial device. He then had them cut a hole in the roof above the seat of the fire, and an inspection hole. After discussing ventilation, the appellant states that he would request relief and reassignment for this crew. The appellant goes on to say that he would force entry in the rear of the structure (side C), and that the primary search team would place a targeting exit device “at the entrance.” After rescuing the victims, the appellant performs salvage operations with mechanical ventilation. If the appellant was relying on mechanical ventilation, applying it during salvaging operations is too late, as this fire needed to be ventilated much earlier. Also, the wind is blowing north to south, towards side C, and forcing the side C door created a wind tunnel. Further, the roof is self-ventilating, and venting the roof is a waste of personnel, and puts the members in danger as the truss roof has been compromised. Also, ventilation cannot take place over the seat of the fire without putting the members directly in the flames. The appellant’s response does not warrant a score higher than a 3 for these reasons alone. The appellant then takes actions as though he is the IC, and these actions are not a direct response to question 1, which only asks for orders to the crew to carry out his assignment.

Next, in response to question 2, the appellant interprets the conditions of high temperatures and a lot of smoke as indicating a flashover or rollover, and proceeds

to close doors when the fire is spreading across the ceiling. He takes the superfluous action of providing a LUNAR report, and sought a place of refuge before evacuating. He also requested additional ventilation at this point, although he has failed to ventilate the large windows on side A of the bookstore. He again states that the rear entry should be forced for a secondary means of egress, although the 20-mph wind will directly enter that door. Basically, he adds oxygen to the fire by opening the back door, and he delays his exit through the front by closing doors to small rooms, looking for refuge, making a long radio message, and requesting a RIT to his location and requesting that they be replaced. He then states, "If these actions do not work, we will evacuate the structure with an orderly withdraw." Next, the appellant requested relief and reassignment, but he failed to report to the IC after evacuating the fire building since fire is spreading from side C to side A across the ceiling, and credit cannot be given for information that is implied or assumed. The appellant the actions listed by the assessor, and his score of 3 for the technical component will not be changed.

As to the oral communication component for the arriving scenario, the assessor noted that the appellant had a distracting mannerism of using the pen in his right as a pointer. The appellant argues that he did not point the pen at the camera, was not told that he could not hold a pen, and was not fidgeting with it.

In reply, a factor in oral communication is nonverbal communication. A weakness in this factor is defined as failing to use gestures effectively, thereby causing confusion or distractions, and failing to maintain eye contact with the camera when speaking. Throughout the arriving scenario, the appellant held a pen in his right hand. While the pen was not a distraction, the presentation had a weakness in grammar, which is defined as mispronouncing words, using sentences that are grammatically incorrect, repeating words and/or phrases, and using inappropriate words. Specifically, the appellant used the distracting verbal mannerism "um" throughout the presentation. Also, although he had a timer, the appellant did not complete his presentation at the ten-minute mark.

This was an examination setting where candidates were given scenarios, and a question or questions for each scenario, and were required to provide direct answers to those questions and, in this setting, candidates are required to maintain the flow of information. There is a well-known phenomenon of hesitational disfluency that can afflict a speaker trying to cope with the pressures of immediate processing, and some level of disfluency is acceptable when it does not affect the continuity of a presentation. At some point, however, the use of distracting verbal mannerisms is not acceptable. The appellant stated "um" and "ah" at least 38 times during his presentation.

For example, he stated, “I will, in addition I will also call an arson investigator for cause and origin due to the um, squatters that were being reported, um, at this um, incident. Ah, fire prevention bureau for building codes and violations. OEM. Hazmat for any unknown substances ah, found on scene.” In this passage, the appellant repeats “I will,” states “um” or “ah” five times, and does not speak in full sentences. At another point, the appellant stated, “We will force entry wherever needed for a primary means of entry and a secondary means of egress. Um, normally through the um, this was a squatter’s building, through the rear we’ll make sure that there is a um, entry in the rear.” The last sentence lacks clarity and is grammatically incorrect, and the appellant uses “um” three times. He stated, “They will check all bedrooms, um, with the thermal, with the thermal imaging camera to locate ah, any victims.” The presentation contained at least one weakness, and the appellant’s score of 4 for this component will not be changed.

### CONCLUSION

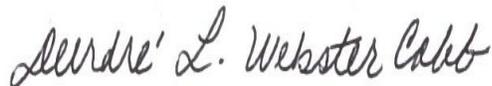
A thorough review of the appellant’s submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

### ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 12<sup>th</sup> DAY OF JUNE, 2019



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